

ILLINOIS CENTRAL RAILROAD.

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L E T T E R

FROM

THE SECRETARY OF WAR,

TRANSMITTING

CLAIM OF THE ILLINOIS CENTRAL RAILROAD.

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JANUARY 6, 1902.—Referred to the Committee on Claims and ordered to be printed.

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WAR DEPARTMENT,  
*Washington, December 18, 1901.*

SIR: In connection with War Department letter of December 20 last, printed in House Doc. No. 232, Fifty-sixth Congress, second session, copy accompanying, I have the honor to transmit herewith, with a view to action previously recommended, a letter from the superintendent of the Illinois Central Railway Company (bearing indorsements of the Engineer Department, United States Army), concerning the said company's claim, as follows:

For reimbursing the Illinois Central Railroad Company for damages to the roof of the Union Depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio river, \$60.82.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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ILLINOIS CENTRAL RAILROAD COMPANY,  
OFFICE OF SUPERINTENDENT,  
*Louisville, Ky., November 12, 1901*

DEAR SIR: Will you please be so kind as to refer to your letter of April 9, addressed to Mr. W. J. Harahan, at that time superintendent of this company, with reference to our bills for \$5.50 and \$52.32, respectively, against the Government for damage to train shed, Union Depot, located at Seventh and River, Louisville, Ky., by small pieces of stone thrown out by blast from the river, and please get the matter

in such a shape that it will be laid before the coming session of Congress, in order that we may get the bills authorized or otherwise disposed of? Kindly advise.

Yours truly,

H. U. WALLACE,  
*Superintendent.*

Mr. WM. L. SIBERT,  
*Captain, Corps of Engineers, City.*

[First indorsement.]

U. S. ENGINEER OFFICE,  
*Louisville, Ky., November 13, 1901.*

Respectfully forwarded to the Chief of Engineers, United States Army.

The bills referred to within are the ones mentioned in House Doc. No. 232, Fifty-sixth Congress, second session, copy herewith. So far as known to this office, no provision for the payment of these bills, as recommended in the document, has been made.

WM. L. SIBERT,  
*Captain, Corps of Engineers.*

[Second indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,  
*November 19, 1901.*

Respectfully submitted to the Secretary of War.

The claim of the Illinois Central Railroad Company was submitted to the Secretary of War by the Chief of Engineers in a letter dated December 18, 1900, and the Secretary of War on December 20, 1900, transmitted the said letter to the Speaker of the House of Representatives with recommendation for favorable consideration. So far as is known by this office, no further action was taken other than to have the correspondence printed in House Doc. No. 232, Fifty-sixth Congress, second session, a copy of which is herewith.

These papers are submitted for such action as may be deemed necessary or proper.

G. L. GILLESPIE,  
*Brig. Gen., Chief of Engineers, U. S. Army.*

[House Document No. 232, Fifty-sixth Congress, second session.]

WAR DEPARTMENT,  
*Washington, December 20, 1900.*

SIR: I have the honor to transmit herewith, with request for favorable consideration, a letter from the Chief of Engineers, United States Army, dated December 18 instant, recommending that an item be inserted in the next general deficiency bill, as follows:

Reimbursement to the Illinois Central Railroad Company: For reimbursing the Illinois Central Railroad Company for damages to the roof of the Union Depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio River..... \$60.82

Very respectfully,

G. D. MEIKLEJOHN,  
*Acting Secretary of War.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

OFFICE OF THE CHIEF OF ENGINEERS,  
UNITED STATES ARMY,  
Washington, December 18, 1900.

SIR: I have the honor to submit for consideration, and with recommendation as noted below, a claim of the Illinois Central Railroad Company for damages to the roof of the Union Depot and train shed at Seventh and River streets, Louisville, Ky., during the months of October, 1899, and January and February, 1900, by blasting operations. The claim consists of two bills, as follows:

Repairing roof of Union Depot train shed at Seventh and River streets, Louisville, Ky., damaged by blasting during the month of October, 1899.....	\$5.50
Repairing roof of Union Depot and train shed at Seventh and River streets, Louisville, Ky., during January and February, 1900, the same being damaged by blasting.....	55.32

Capt. George A. Zinn, Corps of Engineers, submitted the bills to this office under date of June 1, 1900, with recommendation that they be paid if practicable. The papers were returned to Captain Zinn with the statement that—

"It is held by the Comptroller of the Treasury, in the absence of specific statutory provisions authorizing such payments, damages caused by the torts of officers of the Government, or from inevitable accident, do not constitute claims against the Government which it is within the power of the Executive Department to allow or pay. Unless allowed by the Comptroller it would be necessary for the claimant to appeal to the courts or to Congress."

Captain Sibert, the district officer, reports that in his opinion the claim is just and reasonable, and that due care was taken during the blasting operations. He further states that the United States has been exceedingly fortunate in the smallness of the damage inflicted on private property along the Louisville and Portland Canal, when the extent of the blasting operations and the proximity of private property is considered.

It is therefore recommended that Congress be asked to insert an item in the next general deficiency bill as follows:

Reimbursement to the Illinois Central Railroad Company: For reimbursing the Illinois Central Railroad Company for damages to the roof of the Union Depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio River.....	\$60.82
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Very respectfully, your obedient servant,

JOHN M. WILSON,  
Brig. Gen., Chief of Engineers,  
U. S. Army.

Hon. ELIHU ROOT,  
Secretary of War.

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